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# RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement*/ submitted by the Robert F. Kennedy Memorial, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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ENG

1. The Robert F. Kennedy Memorial appreciates the work undertaken by this Commission toward the elimination of racism, racial discrimination, xenophobia and all forms of discrimination. The Memorial also expresses its deep appreciation for the leadership of the High Commissioner for Human Rights, who has endeavored to highlight this issue in many international fora. Through its domestic and international programs, the Robert F. Kennedy Memorial has consistently worked to eliminate discriminatory policies and to promote equal opportunities for all persons. This year, in preparation for the upcoming U.N. World Conference Against Racism, Racial Discrimination, Xenophobia, and Other Forms of Related Intolerance, the Robert F. Kennedy Memorial is working with the National Campaign for Dalit Human Rights in India to ensure that caste or descent based discrimination is addressed in the Conference Plan of Action.

2. It is appropriate and important to address the issue of caste based discrimination under this agenda item. The Committee on the Elimination of Racial Discrimination has affirmed that "the situation of Scheduled Castes and Scheduled Tribes falls within the scope of the Convention [on the Elimination of All Forms of Racial Discrimination]."[1] In its comments, the Committee clearly stated that the term "descent" contained in Article 1 of the Convention does not refer solely to race but encompasses the situation of scheduled castes and tribes. Similar conclusions were drawn by the U.N. Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance in his January 1999 report.

3. The issue of caste based discrimination affects 240 million Dalits across the South Asia region. Although discrimination against Dalits under the caste system – a social system that has religious sanction – began three thousand years ago, it continues today despite steps taken by state governments to address the problem. For example, in India the national constitution abolishes the practice of "untouchability" against the Dalits. However, the ongoing discrimination against the Dalits has been recognized by India's National Parliament, by its judiciary, and by several constitutional bodies including the National Commission on Human Rights, the National Commission on Scheduled Castes and Scheduled Tribes, and the National Commission on Safai Karmacharies (or Sanitation Workers).

4. Although discrimination against Dalits occurs in several places across South Asia, in this written intervention the Robert F. Kennedy Memorial will focus on the experience of the Dalits in India. Discrimination against Dalits takes many different forms including segregated housing, discrimination in types of work and in wages, unequal access to education, and violence.

5. Under both Constitutional measures and more recent legislation, Dalits are accorded special protections and guaranteed rights as equal citizens under Indian law. Despite these legal measures, whenever Dalits have tried to assert their rights they have met with violence,

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[1] Cited from paragraph 14 of the *Concluding observations of the Committee on the Elimination of Racial Discrimination : India. 17/09/96.* CERD/C/304/Add.13.

including mass murders, rape, arson and destruction of property. The following table provides a picture of recent crimes committed against Dalits in India. The data was provided by the Home Ministry and reported by the National Commission on Scheduled Castes and Scheduled Tribes.

**Cases registered with the police of crimes and atrocities against Dalits**

| Nature of crime | 1995 | 1996 | 1997 | Total |
|---|---|---|---|---|
| Murder | 571 | 543 | 503 | 1,617 |
| Injuries | 4,544 | 4,585 | 3,462 | 12,591 |
| Rape | 873 | 949 | 1,002 | 2,824 |
| Kidnapping & abduction | 276 | 281 | 242 | 799 |
| Robbery | 218 | 213 | 157 | 588 |
| Arson | 500 | 464 | 384 | 1,348 |
| Other Offences | 10,492 | 13,278 | 11,693 | 35,463 |
| Total | 17,474 | 20,313 | 17,443 | 55,230 |

It should be noted that various independent research studies conducted both by the government and by non-governmental agencies demonstrate that there is a significant under-reporting of these crimes by the state agency itself.

6. Across India in both cities and rural areas, Dalits live in segregated housing colonies. In villages, they are usually located either at the beginning or at the end of the village. Dalits are expected to live in the designated area regardless of their education, employment, or economic status.

7. In the employment arena, there are documented incidents where Dalits have been attacked because they sought work opportunities in villages outside their own. Social norms also dictate that certain functions such as maintaining burial grounds or playing the drums for marriage ceremonies must be performed by Dalits.

8. It is significant to note that Dalit women suffer different human rights violations than Dalit men. Incidents of violence and rape against Dalit women are well-documented with perpetrators often being members of the upper caste or state agents such as the police. In addition, in many parts of India Dalit women are forced into prostitution under the system of "Devadasi" which is sanctioned by religion.

9. In India, 50% of Dalit children cannot complete primary education, and the drop-out rate for the Dalit girl child is 64%. Most children are forced to abandon their education due to reasons of poverty but many also suffer discrimination at the hands of teachers and other students. Once out of school, Dalit children frequently join the labor force to contribute to their families' survival. Dalit children continue to be employed in hazardous work while paid very little income.

10. There is significant anecdotal evidence that the state lacks the political will to eliminate discrimination against Dalits. For example, many violent attacks against Dalits take place in the presence of police. Many of the economic programs enacted years ago to meet constitutional guarantees such as land reform have not yet been implemented. Finally, there are documented cases in which members of the judiciary have themselves admitted discrimination against Dalits in the judiciary process.

11. To address these many forms of discrimination against the Dalits, we call upon the government of India and all governments committed to ending caste discrimination within their countries to do the following:

- Implement existing domestic measures to combat caste-based discrimination, including legislative and constitutional measures addressing land reform, employment protections, universal education, agricultural labor wages, and religious tolerance for Dalits.

- Extend an invitation to the U.N. Special Rapporteur on Racism to investigate caste-based discrimination in their respective countries.

- Submit full and detailed information, including the number of complaints lodged and sentences passed, about the implementation in practice of the legal provisions prohibiting acts of racial discrimination in future periodic reports to the Committee on the Elimination of Racial Discrimination.

- Identify concrete steps toward the elimination of caste-based discrimination for the upcoming World Conference against Racism; commit to implementing all state obligations under the Conference Plan of Action.

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